

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

JAN 09 2006

at 10 o'clock and 45 min. AM JP
SUE BEITIA, CLERK

**Request for Modifying the Conditions of Probation
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: CRAIG BRUCE PARSONS

Case Number: CR 05-00035DAE

Name of Sentencing Judicial Officer: The Honorable Dale A. Kimball
U.S. District Judge

Date of Original Sentence: 9/27/2004

Original Offense: Count 4: Distribution of Marijuana, in violation of 21 U.S.C.
§ 841(a)(1), a Class D Felony

Original Sentence: Two-year term of probation, with the following special conditions:
(1) the defendant shall serve one year in home confinement with release privileges for employment, medical and mental health treatment, religious observances, and any other leave approved by the U.S. Probation Office; (2) the defendant shall abide by the terms of the order of civil forfeiture; (3) the defendant shall submit to drug/alcohol testing and pay a one-time \$115 fee to partially defer [sic] the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan, as directed by the U.S. Probation Office; and (4) the defendant shall continue in psychiatric care and take all prescribed medications.

Transfer: On 1/24/2005, jurisdiction over the defendant's case was transferred from the District of Utah to the District of Hawaii.

Type of Supervision: Probation

Date Supervision Commenced: 9/27/2004

PETITIONING THE COURT

[X] To modify the conditions of probation as follows:

General Condition

That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no

more than 8 valid drug tests per month during the term of supervision (mandatory condition).

Special Condition No. 5 That the defendant is prohibited from consuming or possessing any alcoholic beverage.

CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|--------------------------------------------------------------------------------------------------------|
| 1. | On 11/28/2005, the subject failed to report for drug testing, in violation of Special Condition No. 3. |
|----|--------------------------------------------------------------------------------------------------------|

On 9/27/2004, the subject was sentenced to a two-year term of probation under Docket No. 2:01-CR-00747-001-DAK, in the U.S. District Court, District of Utah. The subject then transferred to the District of Hawaii, where he resided with his wife on the Big Island. On 12/19/2004, the subject was processed for supervision by this officer, during which time the conditions of probation were reviewed with the subject. The subject acknowledged understanding all of the conditions, including the requirement that he submit to drug testing.

On 6/29/2005, the Court was notified that the subject submitted a urine specimen on 5/22/2005 that tested positive for marijuana. After several initial denials, the subject eventually admitted to having smoked marijuana on 5/21/2005. The Court concurred with the recommendation of the Probation Office that no further action be taken, as the subject agreed to participate in a substance abuse treatment program and was maintaining gainful employment. It should also be noted that the subject was observed drinking beer in the parking lot of the drug testing facility on 5/22/2005.

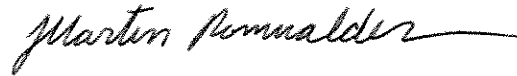
On 11/28/2005, the subject failed to report for drug testing as part of his substance abuse treatment program at Turning Point for Families, Inc. When questioned about his failure to appear, the subject stated that he may have forgotten to call the drug testing recorded instructions on 11/27/2005. He assured this officer that he would not miss any other drug tests. The subject was verbally reprimanded and agreed to modify his conditions of probation in order to accommodate the requirements for drug testing under U.S. v. Stephens. No further action is recommended at this time.

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Attached is a signed Waiver of Hearing to Modify Conditions of Probation. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of probation.

Respectfully submitted by,



J. MARTIN ROMUALDEZ
U.S. Probation Officer

Approved by:

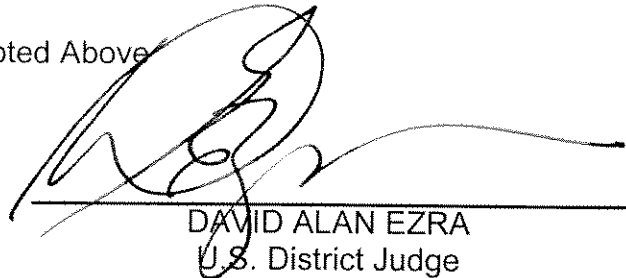


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 1/4/2006

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



DAVID ALAN EZRA
U.S. District Judge

Date

RECEIVED
U.S. PROBATION OFFICE
HONOLULU, HAWAII
06 JAN -6 P 3:33

PROB 49
(3/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation:

[X] To modify the conditions of probation as follows:

General Condition *That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision (mandatory condition).*

Special Condition 5 *That the defendant is prohibited from consuming or possessing any alcoholic beverage.*

Witness:

J. Martin Romualdez
J. MARTIN ROMUALDEZ
U.S. Probation Officer

Signed:

Craig Bruce Parsons
CRAIG BRUCE PARSONS
Probationer

12-24-05
Date